

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

**FILED**

FEB 16 2007

U.S. DISTRICT COURT  
MARKETBURG, WV 26301

CASE NO. 1:06CR20

United States

Plaintiff,

VS.

Dwayne Anderson

Defendant.

Date: 02-10-07

RE: Motion To Analyze Tape

MOTION

Now comes the Defendant, Dwayne B. Anderson, and respectfully moves this Honorable Court to analyze the Dec. 13, 2005 phone call from Treoper Smith, that the court may know without any doubt that the Defendant answered that phone on all three occasions.

The Defendant has been wrongfully charged, and convicted, and the Defendant ask this Honorable Court to grant Defendants motion before the Defendants is wrongfully sentenced; For this Honorable Court to grant Defendants motion will be showing justice; But for this Honorable Court to sentence Defendant without analyzing the evidence, is an injustice to me, this Honorable Court, and the United States Constitution.

In Support of this Motion

Defendant respectfully states as follows:

1. This will prove that Defendant answered the call from Trooper Smith on Dec. 13, 2005 on all three occasions, and will prove Defendants innocence of the charges against him.
2. This is the Governments evidence, and has already been presented to the court.
3. The Government claims Dwan Edwards answered the call on Dec. 13, 2005 from trooper Smith.
4. There was only one way to prove MR. Edwards answered that call on Dec. 13, 2005 was to have the call analyzed, the government did not do that.
5. The burden of proof was on the Government.
6. Will show that Defendant was not linked to the Bruder conspiracy.
7. Will show that on Dec. 13, 2005 Defendant Aided and Abetted none.

To grant the Defendant this motion will allow justice in this Honorable Court

by establish the fact that the Defendant  
answered the calls from Trooper Smith on three  
different occasions on Dec. 13, 2006.

This Honorable Court should  
never want to sentence someone that is innocent  
of charges against them. This Honorable Court should  
always be willing to know and accept the facts that  
will prove ones innocence.

Respectfully submitted

Dwayne H. Anderson



cc: Scott Shough / Attorney at law  
Zelda Wesley / U.S. Government  
file / dka